

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

ROACH ET AL.

Group Art Unit: 2172

Serial No.: 09/957,459

Filed: September 21, 2001

Examiner: B. To

For: AN AUTOMATIC REAL-TIME FILE MANAGEMENT METHOD AND APPARATUS

LETTER

This letter is in response to the Notification of Non-Compliant Appeal Brief mailed August 21, 2006. Applicant submits herewith an amended appeal brief that addresses each point raised in the Notice. Specifically, the Notice asserts that the appeal brief fails to mention that status of the claims in the application and identify which claims are being appealed. The Notice further states that the claimed invention is not properly mapped to independent claims 1, 34, 54 and 59. The Notice still further states that the Grounds of Rejection section of the brief does not list all statutes in the rejection. Appropriate correction is made in the attached amended brief.

In addition, the Notice questions the presence of the attached appeal decision. The appeal decision is attached because it is an unpublished decision of the Board that is relied upon as authority in the brief. However, it is not a related proceeding to the referenced application.

In view of the foregoing, it is asserted that the attached amended brief is in condition for consideration. Entry of the amended brief is respectfully requested.

Respectfully Submitted,

/Frederick Samuels/

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